

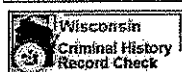
Exhibit 11



ATTORNEY GENERAL J.B. VAN HOLLEN



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Missing Persons



VAN HOLLEN ANNOUNCES DEPARTMENT OF JUSTICE ELECTION DAY ACTIVITIES TO ENSURE RIGHT TO VOTE AND COMPLIANCE WITH STATE ELECTION LAWS

FOR IMMEDIATE RELEASE:
October 28, 2008

MADISON – Attorney General J.B. Van Hollen announced today that as a part of his election integrity efforts the Wisconsin Department of Justice will be sending assistant attorneys general and special agents from the Division of Criminal Investigation to various locations around the state on Election Day (Tuesday, November 4, 2008), to ensure compliance with state laws governing elections.

These assistant attorneys general and special agents have been trained on election law, voting rights and the responsibilities and rights of election observers and are prepared to assist state and local election officials as well as law enforcement.

"An individual's right to vote and have that vote counted is the foundation of our democratic system," said Van Hollen. "Citizens also have a right to vote in fair elections, untainted by election fraud. The Department of Justice is committed to ensuring that every citizen's right to vote in a fair election is protected."

The Department of Justice will be working with district attorneys, law enforcement authorities, and state and local election officials across the state on election day. The department will also be working in Milwaukee county as part of an elections task force with the Milwaukee County District Attorney and the Milwaukee Police Department.

If citizens have questions regarding how to register to vote, how to obtain an absentee ballot, early voting and where to vote, they should contact the Wisconsin Government Accountability Board at (608) 266-8005 or gab@wi.gov, or their local municipal clerk which can be found at <http://elections.state.wi.us/docview.asp?docid=10506&locid=47>.

Persons with problems or complaints about their voting experiences should contact the Government Accountability Board at (608) 266-8005.

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News Contact

William A. Cosh
(608)266-1221

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Department of Justice

FOR IMMEDIATE RELEASE
Tuesday, September 23, 2008
WWW.USDOJ.GOV

CRT
(202) 514-2007
TDD (202) 514-1888

Statement of Acting Assistant Attorney General Grace Chung Becker Regarding the Decision Not to Utilize Criminal Prosecutors as Monitors in Polling Places on Election Day

"On Election Day, the primary responsibility of the Civil Rights Division is to ensure all eligible voters are able to cast their ballot in an environment free of discrimination, suppression or intimidation. The Division has and will use every statute within its purview to provide all voters with a free and fair electoral process.

"On November 4, 2008, hundreds of federal government employees will be deployed in counties, cities and towns across the country to monitor polling places and to ensure compliance with federal voting statutes. In light of questions we have been asked regarding who will serve as election monitors, I want to inform the public that no criminal prosecutors will be utilized as election monitors on Election Day this year. This decision was made as a precaution and is not the result of any instance of intimidation or complaint regarding any specific incident."

###

08-849

Exhibit 13

THE FACT CHECKER

Obama's Spending Cuts

Promises to cut government spending are pretty much worthless unless accompanied by convincing explanations of how precisely they will be implemented. Obama has failed this basic test. (7:39 PM ET) [More »](#)

DAN BALZ'S TAKE

Obama's Early Vote Push



Political Landscape
State-by-State Coverage of the Fall Elections »

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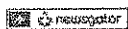
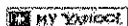
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Obama Shoots for an
Ohio Win with a Final
Day in the State

McCain to Return to

BATTLEGROUND

A Wis. Call for GOP Poll Watchers Draws National Notice

By Mary Pat Flaherty

The Wisconsin Republican Party has issued a call for volunteer poll watchers for Election Day, and the criteria is a little specific, seeking especially folks made of sterner stuff.

Jonathan Wacławski, the party's election day operations, wrote in a Sept. 8 e-mail that he needed contact information for people "who would potentially be willing to volunteer ... at inner city (more intimidating) polling places. Particularly, I am interested in names of Milwaukee area veterans, policemen, security personnel, firefighters etc. ... If you have any connections with such organizations, please pass that information on."

The e-mail fell into the hands of an Obama supporter, who passed it to the Obama campaign, who released it today after a news conference with its campaign director and general counsel, who discussed voter registration, voter education and voter protection.

The Obama team pointed to Wacławski's e-mail as ground-level tactics that could create concerns among voters.

"This is much ado about nothing. I don't see anything wrong with this," said Kirsten Kukowski, a spokeswoman with the Wisconsin GOP.

"Intimidating was referring to the polling places, not to poll watchers who would be intimidating," she said. "The way I read this we are looking for people to go to intimidating places."

"We are not going to send an 80-year-old woman from the suburbs, who has been making calls for us, into the city where she is not used to driving, not used to parking, not used to finding her way," Kukowski said. "It is an incredible leap to say from what is in that e-mail that we are looking for big people at the polls. No way does it say that."

She said the release of the e-mail was an attempt by the Obama campaign to draw attention away from voter registration fraud problems. The Democrats had said earlier in the day that the GOP focus on such problems were intended to draw attention away from efforts to tamp down turnout.

The categories of people solicited in that e-mail, Kukowski said, "know the city and are more prepared to be working under those circumstances."

The party needs poll watchers in every county, she said, "and we reach out to everybody." She said she did not know how many poll workers volunteered after the e-mail went out.

"I'm very surprised the Obama campaign would give this out," Kukowski said. "But that is good to know."

Posted at 9:08 PM ET on Oct 14, 2008 | Category: [Battlegrounds](#)

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NYU Elections '08 Research

Why Do People Vote The Way They Do? Help Us Understand Voting Behavior
[www.psychsurveys.org/2008elections](#)

Exhibit 14

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MONTANA DEMOCRATIC PARTY, as an)	
organization and representative)	
of its members, JOSEPH)	CV 08-141-M-DWM
BREITENBACH and CYNTHIA ANNE)	
GREEN,)	
Plaintiffs,)	
)	
vs.)	ORDER
)	
JACOB EATON, MAX HUNSAKER,)	
MONTANA REPUBLICAN PARTY, and)	
BRAD JOHNSON in his official)	
capacity as Montana Secretary of)	
State)	
)	
Defendant.)	
)	

If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.

- Aristotle

If we do not provide time for the consideration of people and events in depth, we may end up training another generation of television adults who know what kind of toilet

paper to buy, who know how to argue and humiliate others, but who are thoroughly incapable of discussing, much less dealing with, the major social and economic problems that are tearing America apart.

- Herbert Kohl, Educator¹

In this case, the Montana Democratic Party and two named electors seek a temporary restraining order, a preliminary injunction, and a declaratory judgment that recent actions by operatives of the Montana Republican Party violate state and federal law. The problem here is whether the actions of Defendants - the Executive Director and Legislative Director of the Montana Republican Party - in filing *en masse* challenges to the right to vote of 6,000 Montana citizens who are registered voters, and Secretary of State Brad Johnson's response to these challenges, are violations of federal law to which this Court is empowered to provide a remedy. The relief sought is pursuant to the National Voter Registration Act, the Fourteenth Amendment's Equal Protection Clause, and 42 U.S.C. §§ 1983, 1985, and 1971. The National Voter Registration Act, enacted by a Congress composed of Republicans and Democrats, is intended to "increase the number of eligible citizens who register to vote in elections for federal office" and to ensure that states may "enhance[] the participation of eligible citizens as voters." 42 U.S.C. § 1973gg (b) (1)-(2). Ostensibly justified by their concern for the

¹ Moyers on Democracy, Bill Moyers, p.85.

integrity of the electoral system, the individual defendants² have apparently filed false affidavits with the express intent to disenfranchise voters in counties that have historically tipped toward the Democratic party.

I

Montana law, Mont. Code Ann. § 13-13-301(1), allows any registered elector to challenge any other "elector's right to vote" by "filling out and signing an affidavit stating the grounds of the challenge and providing any evidence supporting the challenge to the election administrator[.]" The Executive Director of the Montana Republican Party, Jacob Eaton, filed over 6,000 challenges to fellow citizens' voting rights. Some of the challenged voters have provided sworn testimony demonstrating that Eaton's concern for integrity is of a limited scope, and does not extend to the affidavits he filed requesting the cancellation of their voter registration. According to the record, Eaton plans to file more challenges across the state of Montana before election day. See Pl. Ex. A to Mot. His public expressions of concern for the integrity of the democratic process and for the rights of his fellow Montanans notwithstanding, these challenges do not appear directed at the

² Secretary of State Brad Johnson is not included in this reference. Review of the pleadings and attachments show an effort on his part to avoid partisan decision-making and a good faith attempt at complying with state law.

state-wide voting population, but rather at select counties that likely contain concentrations of Democratic voters.

The Montana Legislature has established a process for evaluating voter challenges. Part of that process is set forth in Mont. Code Ann. § 13-1-111, which provides that "a person may not vote at elections unless the person is . . . a resident of the state of Montana and of the county in which the person offers to vote for at least 30 days" Determined to prevent the Hobbesian nightmare sure to ensue if voters' mailing addresses do not match their residential addresses, Eaton employed an auditor to pore over the United States Postal Service's change of address registry, and to compare the names in it to the names on voter rolls in some Montana counties. A self-described guardian of the integrity of a political system designed to guarantee the right of the people to govern themselves, Eaton targeted counties with young and likely Democratic voters, who might have changed their mailing addresses without changing their voter registration information. The challenge theory must be that such voters might compromise the democratic process by going off to college or serving in the military overseas, and forwarding their mail to their new location or to a family member - both examples of voters Eaton challenged. (Pl. Ex. B-2 to Mot.; Pl. Ex. C to Mot.).

In his zeal to protect what he sees as Montana's fragile

democracy from these transient hordes, Eaton ignored the very law that answers his challenges. How can one so concerned with the integrity of the State's democratic process be adept at invoking the law to keep people from voting, without realizing that the same law renders his claim meritless if not frivolous? Montana Code Annotated § 13-2-512 states:

An elector who has changed residence to a different precinct within the same county and has failed to notify the election administrator of the change by a transfer or new registration form may vote in the precinct where the elector is registered at the first election at which the elector offers to vote after the change[.]

In other words, even if a registered voter moves and overlooks the requirement of notifying the election administrator of the change, the voter still gets to vote.

The *procedural effect* of Eaton's challenges to his fellow citizens' voting rights is not addressed by the statute. Importantly, it is the procedural effect of Eaton's challenges that raises the issues here. Montana law provides that when a citizen challenges another citizen's right to vote prior to the close of registration, "the election administrator shall question the challenger and the challenged elector and may question other persons to determine whether the challenge is sufficient or insufficient to cancel the elector's registration." Mont. Code Ann. § 13-13-301(3). When a challenge is made after the close of registration or on election day, "the election administrator or,

on election day, the election judge[,] shall allow the challenged elector to cast a provisional paper ballot." Id. One can imagine the mischief an immature political operative could inject into an election cycle were he to use the statutes, not for their intended purpose of protecting the integrity of the people's democracy, but rather to execute a tawdry partisan ploy. Voters might be intimidated, confused, or even discouraged from voting upon receiving notice that their right to vote - the most precious right in a government of, by, and for the people - has been challenged. The mess created for those volunteers and elected officials dedicated to preserving the integrity of the system is nearly unimaginable in terms of the time and expense necessary to deal with such blanket challenges.

In light of the statute cited above, it appears that some of the sworn affidavits Eaton filed (the exemplars Plaintiffs submitted as exhibits) falsely assert that electors are not qualified to vote under state law. See Pl. Ex. B, B-2 to Mot. Nonetheless, for those voters Eaton has challenged, regardless of the truthfulness of his claims, the law requires the counties in which the challenges are filed to respond. See Mont. Code Ann. § 13-13-301. Based on the filings before the Court, it appears that the county clerk and recorder sends a letter to a challenged voter, notifying the voter of the challenge and instructing the voter how to respond. Eaton has thus positioned thousands of

Montana voters, who have only changed their mailing addresses, to receive notice from county officials that their right to vote has been challenged and that they need to take some action in response to the challenge, even though the challenge may be meritless. Plaintiffs contend this violates federal law.

As explained below, at this early stage of these proceedings the Court cannot agree with this contention. But, this does not end the inquiry. Also explained below, the Secretary of State's "Challenge Resolution," a review of statutes and administrative rules designed to help counties evaluate challenges like those at issue here, appears to create the potential for serious violations of state and federal law when a challenged elector offers to vote. See Pl. Ex. J. While, at this time, I find Plaintiffs' arguments unpersuasive that the actions of the Montana Republican Party officials and the Secretary of State violate federal law and warrant immediate injunctive relief, the mischief Eaton has injected into Montana's electoral process may have brought to light significant violations of state and federal law, and the consequences of these violations should not rest on the shoulders of citizens seeking to vote.

II

Issuance of a temporary restraining order is governed by Fed. R. Civ. P. 65(b)

The court may issue a temporary restraining order without written or oral notice to the

adverse party or its attorney only if specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

Plaintiffs' counsel has certified in writing that they attempted to contact Defendants prior to filing their Motion for Temporary Restraining Order. See dkt # 1 at 2-3. As has been made public at this point, nearly 6,000 letters to challenged voters were scheduled to go out the day the request was filed, thus prompting Plaintiffs to invoke Rule 65(b). Apparently in response to the filing of Plaintiffs' complaint, the Secretary of State has astutely directed the involved counties to refrain from sending the letters of challenge. Consequently, the allegedly immediate and irreparable injury Plaintiffs' motion addresses is not as immediate as it first appeared.

Nevertheless, it is still necessary to address the substance of Plaintiff's motion and complaint. There seems to be meat on the bones of Plaintiffs' argument, so, pursuant to Fed. R. Civ. P. 65(a)(2), Defendants will be required to respond. All parties will appear at a hearing on the Motion for Preliminary Injunction on October 14, 2008 at 9:00 a.m. The parties shall be prepared to 1) argue the merits of their respective positions in light of the reasoning set forth in this Order, and 2) present evidence in

support of their respective positions.

III

A.

The National Voter Registration Act, 42 U.S.C. § 1973gg et seq., recognizes that states implement programs to periodically clear their voter rolls of stale information to ensure current and accurate voter registration information. The Act requires states to "conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters . . .". 42 U.S.C. § 1973gg-6(a)(4). The Act recognizes as well that if such programs are not tailored to protect the right of citizens to vote, eligible voters might be improperly removed from official voter lists. So, the Act establishes limits on the processes states may use to purge their voter rolls of ineligible voters. Under Federal law, while subsection (c)(1)(A) of § 1973gg-6 expressly allows a state to consider "change-of-address information supplied by the U.S. Postal Service to identify registrants whose addresses may have changed," subsection (c)(2)(A) expressly prohibits a state from conducting any program to identify ineligible voters any less than 90 days before an election for federal office. Moreover, the Federal Act provides,

A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed

residence unless the registrant confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or has failed to respond to a notice described in paragraph (2) [of the same subsection]; and has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

Simply put, a state cannot prevent a citizen from voting on the ground that the citizen has changed his or her address. This rule is subject to exceptions but it is designed to protect the citizen's right to vote for at least two federal election cycles while the citizen updates his or her registration information. The idea is to promote voting while allowing states, in limited circumstances and after the passage of time, to purge voter lists of lazy, incompetent or deceased voters.

If the State of Montana, instead of the Montana Republican Party, engaged in the conduct that has created this controversy, its actions would violate the Federal Voter Registration Act. Consider this: Eaton's challenges were filed well inside the 90-day moratorium on clearing voter rolls, and they are predicated on bases the Act declares illegal. See, e.g., Pl. Ex. B to Mot. The timing of the challenges is so transparent it defies common sense to believe the purpose is anything but political chicanery. If Eaton was truly concerned about systemic integrity, and not

electioneering, his issues could have been raised much earlier. Eaton is, according to his own statements, attempting to accomplish what the Act prohibits the State of Montana from doing - ensuring the accuracy of voter rolls less than 90 days before an election on the sole basis of change-of-address information. The Act places these restrictions on states for the very reason this case is now before the Court: using change-of-address information to purge voter rolls less than 90 days before an election creates an unacceptable risk that eligible voters will be denied the right to vote.

Plaintiffs argue that Montana law allows the State, in response to challenges like those Eaton has filed, to remove registrants from voter rolls, and therefore Montana law runs afoul of the limits the Voter Registration Act establishes. Where state and federal law conflict, the Supremacy Clause of the Constitution mandates that federal law trumps state law. Plaintiffs thus ask for a declaratory judgment that the Montana laws enabling the challenges Eaton has filed are void under federal law. In my view, it is not clear from the filings before me that the argument is sound. While it is clear that if Eaton were the State, or acting as an agent of the State of Montana, his actions would be illegal, it is not clear whether Secretary of State Johnson's response to the voter challenges at issue here is illegal. In other words, while Eaton and the Montana

Republican Party are abusing the process the State of Montana has provided to ensure the accuracy of voter rolls (indeed, they are using the process designed to protect the integrity of the political process to undermine it), this partisan ploy is not necessarily a violation of federal law by the State of Montana.³

On the question of the State's involvement, the pertinent document before the Court is the Secretary of State's "Challenge Resolution." Pl. Ex. J. To Mot. The Secretary's Resolution is a review of statutes and administrative rules. Its stated purpose is "to review the statutes and rules that may help [county election officials] to resolve any challenge to a voter's registration." The document cites a state administrative regulation expressing the general principle against which challenges are evaluated: "Any challenge made under this rule shall be decided in favor of the challenged elector, unless it is demonstrated by a preponderance of the evidence that the challenged elector should not be permitted to vote." ARM 44.3.2019(6).

The Resolution also addresses the specific type of challenge at issue here. It cites Mont. Code Ann. § 13-1-112(8), which

³ The fact that the Secretary of State has directed counties not to send challenge letters at this time perhaps indicates his awareness of the problems for the State of Montana, as they relate to violations of federal law, that Eaton's abuse of the political process may have exposed.

states that "[a] change of residence may be made only by the act of removal joined with intent to remain in another place." The guide also addresses the effect of a change of address on an elector's registration status:

A change of post office address is not conclusive proof of a change of residence and can be rebutted by an elector's proof of intent to remain at the registration residence in the voting process, as described below. Therefore, while additional evidence should be weighed by the preponderance of evidence standard, a postal change of address form by itself is insufficient to cancel the registration, especially of an elector who confirms his residence in the voting process.

These last two sentences of the guide present a critical problem. While Mont. Code Ann. § 13-1-112(8) states that a change of residence "may be made only by the act of removal joined with intent to remain in another place," the Secretary of State's instructions to county officials could be construed to require a voter challenged on the basis of change-of-address information to rebut a presumption of changed residence with "proof of intent to remain at the registration residence[.]" Because the federal National Voter Registration Act makes it illegal to deny an elector his or her vote based on a change of address, subject to limited exceptions not implicated here, if Montana county election officials are required, or even allowed, to compel an elector challenged on the basis of change-of-address information to prove anything, there is a violation of federal

law.

By virtue of Montana law, when a citizen challenges another citizen's right to vote prior to the close of registration, "the election administrator shall question the challenger and the challenged elector and may question other persons to determine whether the challenge is sufficient or insufficient to cancel the elector's registration." Mont. Code Ann. § 13-13-301(3). Under the Federal National Voter Registration Act, the challenges Eaton has filed are *per se*, that is, on their face, insufficient to cancel an elector's registration. While the Secretary's Resolution seems to echo this conclusion when it says that "a postal change of address form by itself is insufficient to cancel the registration," the apparent certainty of this instruction is undermined by the next phrase, "especially of an elector who confirms his residence in the voting process." A voter cannot be required to confirm his or her address under these circumstances. The elector must be allowed to vote by regular ballot, or there is a violation of the National Voter Registration Act.

The process the Secretary's Resolution prescribes for evaluating the three "Categories of Challenged Electors" further confuses the State's response to challenges like those Eaton filed against the 6,000 Montana voters. It is not clear, from the plain language of the Secretary of State's instructions, whether an election administrator has discretion to deny an

elector the opportunity to vote because of a challenge based on change-of-address information, or whether an election administrator must allow the challenged elector to vote. For example, for the "first category" of challenged electors - i.e., electors a challenger claims filled out change-of-address forms for an in-county address change, but whose postal addresses allegedly do not match the residence addresses on file with the county - the Resolution states a county official reviewing the challenge "may . . . determine . . . that the challenge should be resolved in the elector's favor." The use of the word "may" indicates that the county official has discretion to accept or reject the challenge. Such an interpretation of the law is wrong. Anything other than an unqualified rejection of the challenge would violate federal law.⁴

Eaton's challenges are meritless under federal law. It is

⁴ It would appear to violate state law as well, due to the Montana Code Annotated's explanation of what qualifies as a change of residence. See Mont. Code Ann. §§ 13-1-112(8). Section 13-2-512 of the Code, discussed *infra*, seems to conclusively establish that anything other than a rejection of a challenge based on change-of-address information would violate state law:

An elector who has changed residence to a different precinct within the same county and has failed to notify the election administrator of the change by a transfer or new registration form may vote in the precinct where the elector is registered at the first election at which the elector offers to vote after the change or at a central location designated by the election administrator[.]

not within the power of this Court, however, to compel Eaton or anyone else to demonstrate a healthy respect for the rule of law and its role in a democratic political community. The responsibility for preventing such a cynical use of state law by a private citizen or political party lies with the voters themselves. But, if the State's procedure for evaluating voter challenges allows a county election official to conclude that any voter Eaton has targeted on the basis of change-of-address information cannot vote, or that the elector has to prove anything before he or she is allowed to vote, the State would then be in clear violation of federal law. It is possible, of course, that my interpretation of the Secretary of State's instructions are incorrect. There is enough of a question to warrant a hearing at which the parties may present evidence and argue the issue.

B.

Plaintiffs argue that challenged voters are subject to processes peculiar to the county in which they are challenged, and that disparate treatment across counties violates the Equal Protection Clause of the Fourteenth Amendment. They claim that Mont. Code Ann. § 13-13-301 is ambiguous and "opens the door to voters being treated differently" Plaintiffs' argument might be better presented in state court as a challenge under Mont. Code Ann. § 13-1-201, through which the people of Montana

have imposed on the Secretary of State the duty, as chief election officer, to "obtain and maintain uniformity in the application, operation, and interpretation of the election laws[.]"

Reading §§ 13-1-201 and 13-13-301 together, Plaintiff's argument, to the extent it appears to be a facial challenge to Mont. Code Ann. § 13-13-301, is not well taken. As discussed *infra* at **III A.**, the question here is whether the voters against whom Eaton has filed his meritless challenges are subjected to illegal procedures by county election officials at the direction of the Secretary of State. Plaintiffs will have an opportunity to show they are at the hearing.

C.

Plaintiffs argue that the Montana Republican Party's *en masse* challenges to the right of Montanans to vote violates 42 U.S.C. § 1983. Nothing in the pleadings indicates that Eaton, when he filed his challenges, was acting under color of state law. Plaintiffs argue that because of Eaton's actions, "thousands of voters from across Montana may soon receive notification *from the state* that their voter registration is in doubt," and therefore his actions are "fairly attributable to the state." As noted *infra* at **II**, however, apparently the Secretary of State has directed counties not to send the challenge letters. As already discussed *infra* at **III A.**, the question of state

action is pertinent here because the counties' procedures for dealing with Eaton's challenges, at the direction of the Secretary of State, may violate federal law.

D.

Plaintiffs claim that Defendants have violated 42 U.S.C. § 1985(3). This claim is foreclosed by the settled rule in the Ninth Circuit that "section 1985(3) is extended beyond race only when the class in question can show that there has been a governmental determination that its members require and warrant special federal assistance in protecting their civil rights." Sever v. Alaska Pulp Corp., 978 F.2d 1529, 1536 (9th Cir. 1992). Under Ninth Circuit law, to state a claim under section 1985(3), Plaintiffs must show that "the courts have designated the class in question a suspect or quasi-suspect classification requiring more exacting scrutiny or that Congress has indicated through legislation that the class required special protection." Id. The National Voter Registration Act protects voters generally. Plaintiffs claim that Defendants' actions here interfere with likely Democratic voters, without providing any authority for the proposition that likely Democratic voters are a suspect class section 1985(3) contemplates. It is not likely that Plaintiffs could succeed on this legal theory.

E.

Likewise, it is unlikely that the facts Plaintiffs allege

give rise to a colorable claim under 42 U.S.C. § 1971.

IV

In accordance with the foregoing,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Temporary Restraining Order (dkt # 1) is DENIED.

IT IS FURTHER ORDERED that pursuant to Fed. R. Civ. P. 65(a)(2), the parties shall appear, in person, at a hearing on Tuesday, October 14, 2008, at 9:00 a.m., at the Russell Smith Courthouse in Missoula, Montana. The parties shall be prepared to argue the merits of their respective positions regarding Plaintiffs' request for declaratory judgment and injunctive relief in light of the reasoning set forth in this Order, and to present evidence in support of their positions.

IT IS FURTHER ORDERED that each party shall, on or before Friday, October 10, 2008, at 12:00 noon, file with the Court a brief consisting of no more than five (5) pages, exclusive of documentary exhibits, concisely setting forth their positions and notifying the Court of any witnesses they intend to call at the hearing.

Dated this 8th day of October, 2008 @ 15:15 p.m.

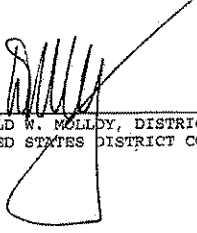

DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Exhibit 15

OATH OF PERSON ENTERING CHALLENGE

State of Florida

County of Glades

10-24-08
deemed
invalid by
Div of Elections
Hawker

I do solemnly swear or affirm that:

My name is: Robert A. Wilson

That I am a member of the Republican party;

That I am a registered voter or poll watcher; that my residence address is:

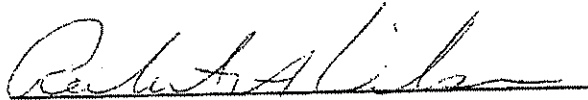
3852 East County Road 720 Moore Haven, Florida 33471

and that I have reason to believe that an attempt to vote in Glades County by

See Attached Spread Sheet

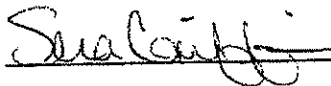
is illegal and the reasons for my beliefs are set forth herein to wit:

Deceased, Moved out of county, Bad Address Not In compliance with Florida State
Statues Title IX Electors and Elections 97.1031 Notice of change of address, change of
name, or change of party affiliation 97.041 Qualifications to register or vote 101.045
Electors must be registered in precinct; provisions for change of residence or name—
See Attached Spread Sheet



(Signature of person challenging voter)

Sworn and subscribed to before me this 17 day of October, 2008.



(Clerk of election)

Select Year: 2008 Go

The 2008 Florida Statutes

Title IX
ELECTORS AND
ELECTIONSChapter 97
QUALIFICATION AND REGISTRATION OF
ELECTORS[View Entire
Chapter](#)**97.1031 Notice of change of residence, change of name, or change of party affiliation.--**

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth. An elector may also provide notification to other voter registration officials as provided in subsection (2). A voter information card reflecting the new information shall be issued to the elector as provided in subsection (3).

(2) When an elector moves from the address named on that person's voter registration record to another address in a different county but within the state, the elector seeks to change party affiliation, or the name of an elector is changed by marriage or other legal process, the elector shall provide notice of such change to a voter registration official using a voter registration application signed by the elector. A voter information card reflecting the new information shall be issued to the elector as provided in subsection (3).

(3) The voter registration official shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation. The supervisor of elections shall issue the new voter information card.

History.--s. 7, ch. 78-403; s. 5, ch. 80-292; s. 21, ch. 94-224; s. 29, ch. 97-13; s. 31, ch. 99-2; s. 3, ch. 2000-250; s. 5, ch. 2002-189; s. 14, ch. 2005-278; s. 5, ch. 2005-286.

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The 2008 Florida Statutes

Title IX
ELECTORS AND
ELECTIONSChapter 97
QUALIFICATION AND REGISTRATION OF
ELECTORS[View Entire
Chapter](#)

97.041 Qualifications to register or vote.--

(1)(a) A person may become a registered voter only if that person:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a legal resident of the State of Florida;
4. Is a legal resident of the county in which that person seeks to be registered; and
5. Registers pursuant to the Florida Election Code.

(b) A person who is otherwise qualified may preregister on or after that person's 16th birthday and may vote in any election occurring on or after that person's 18th birthday.

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(a) A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored pursuant to law.

(b) A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored pursuant to law.

(3) A person who is not registered may not vote.

History.--ss. 1, chs. 3850, 3879, 1889; RS 154; s. 1, ch. 4328, 1895; GS 170; RGS 215; s. 1, ch. 8583, 1921; CGL 248; s. 1, ch. 26870, 1951; s. 2, ch. 28156, 1953; s. 1, ch. 63-408; s. 3, ch. 65-60; s. 1, ch. 67-67; ss. 1, 4, ch. 71-108; s. 1, ch. 72-197; s. 2, ch. 73-157; s. 31, ch. 73-333; s. 1, ch. 74-5; s. 1, ch. 77-175; s. 2, ch. 89-338; s. 8, ch. 94-224; s. 12, ch. 2007-30; s. 2, ch. 2008-95.

Note.--Former s. 98.01.

Select Year:

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Title IX	Chapter 101	View Entire Chapter
ELECTORS AND ELECTIONS	VOTING METHODS AND PROCEDURE	

101.045 Electors must be registered in precinct; provisions for change of residence or name.--

(1) No person shall be permitted to vote in any election precinct or district other than the one in which the person has his or her legal residence and in which the person is registered. However, a person temporarily residing outside the county shall be registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located when the person has no permanent address in the county and it is the person's intention to remain a resident of Florida and of the county in which he or she is registered to vote. Such persons who are registered in the precinct in which the main office of the supervisor, as designated by the supervisor, is located and who are residing outside the county with no permanent address in the county shall not be registered electors of a municipality and therefore shall not be permitted to vote in any municipal election.

(2)(a) An elector who moves from the precinct in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, (Name of voter) , swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of _____, in _____ County, Florida, and I was registered to vote in the _____ precinct of _____ County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of _____, in _____ County, Florida, and am therefore eligible to vote in the _____ precinct of _____ County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) An elector whose name changes because of marriage or other legal process may be permitted to

vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered
Voter

Under penalties for false swearing, I, (New name of voter) , swear (or affirm)
that my name has been changed because of marriage or other legal process.
My former name and address of legal residence appear on the registration
records of precinct _____ as follows:
Name

Address

Municipality

County

Florida, Zip

My present name and address of legal residence are as follows:
Name

Address

Municipality

County

Florida, Zip

and I further swear (or affirm) that I am otherwise legally registered and
entitled to vote.

(Signature of voter whose name has changed)

(c) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(d) Such affirmation or application, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation or application certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the statewide voter registration system to indicate the change in address of legal residence or name of such elector.

History.--s. 13, ch. 3879, 1889; RS 167; s. 15, ch. 4328, 1895; GS 192; RGS 236; CGL 289; s. 4, ch. 24203, 1947; s. 11, ch. 25035, 1949; s. 1, ch. 26870, 1951; s. 4, ch. 28156, 1953; s. 7, ch. 65-60; s. 1, ch. 71-307; s. 3, ch. 77-175; s. 6, ch. 78-403; s. 4, ch. 80-292; s. 5, ch. 89-338; s. 20, ch. 94-224; s. 1391, ch. 95-147; s. 36, ch. 2001-40; s. 31, ch. 2005-278; s. 16, ch. 2008-95.

Note.--Former s. 98.32; s. 97.091.

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Voter #	Last Name	First Name	Address per voter registration	Challenge
102393010	Poole	Leoda	10.1 CR 721 BRIGHTON	insufficient address to verify residence
102945203	Cooper	Margrette	100 Oxbow DR	property sold to P Sullivan and voter moved
103142672	Doerr	Vincent	3758 Fernwood	duplicate of 114918060
104278734	MARTIN	THELMA	12.1 WILLIAMS ST	insufficient address to verify residence
104278769	Belamy	Roselyn	798 Ave B	invalid address, street number not found
104278770	Schnell	Lola	356 Railroad Ave	voter claims homestead in Okeechobee County
104278771	Schnell	John	356 Railroad Ave	voter claims homestead in Okeechobee County
104278792	ALEJOS	ASCENCION	1.1 BAKER HWY	insufficient address to verify residence
104278798	Bowen	Judy	1.1 River Rd	insufficient address to verify residence
104278802	BROWN	EDDIE	6.1 EL DORADO AVE	insufficient address to verify residence
104278822	Cook	Thomas	1.1 Sportsmans Village	insufficient address to verify residence
104278831	DIXON	RUBY	1.1 SHAWNIEE FARMS	insufficient address to verify residence
104278871	Baker	Martin	12625 Shady Ln	voter deceased
104278944	FUSSELL	STEPHANIE	2.1 WILLIAMS RD	insufficient address to verify residence
104278966	HAYES	CHARLES	2.1 COFFEY RD	insufficient address to verify residence
104278994	JOHNSON	JACQUELYN		voter deceased
104279001	LEGATE	E Wayne	12335 ANCHOR LN	property sold, voter moved
104279002	LEGATE	Vera H	12335 ANCHOR LN	property sold, voter moved
104279024	MUTCHLER	BETH	2.1 PEEPLES RANCH RD	insufficient address to verify residence
104279040	PEEPLES	CATHERINE	1090 Wayman Rd	voter moved
104279115	WALKER	Clara	12620 SHADY LN	voter deceased
104279117	WALTER	BONNIE	12320 ANCHOR LN	property sold, voter moved
104279119	WALTER	WARD	12320 ANCHOR LN	property sold, voter moved
104279142	WOODLEY	ALICIA	3640 RIVERVIEW DR	property sold, voter moved
104279143	WOODLEY	JERRY	3640 RIVERVIEW DR	property sold, voter moved
104279416	Hendry	Denise	9165 MAIN ST	voter resides at 848 Hill Rd Bethel Springs TN
104279417	Hendry	Ona	9305 MAIN ST	voter resides at 848 Hill Rd Bethel Springs TN
104279418	Hendry	Raymond	9165 MAIN ST	voter resides at 848 Hill Rd Bethel Springs TN
104279419	Hendry	Reaves	9305 MAIN ST	voter resides at 848 Hill Rd Bethel Springs TN
104279426	Hough	Connie	0 Palmetto AVE	insufficient address to verify residence
104279427	Hough	Jesse	0 Palmetto AVE	insufficient address to verify residence
104279447	Lowrey	Arthur	0 Easy St	insufficient address to verify residence
104279455	MILLER	COLEENE	11.1 BOAR HAMMOCK	insufficient address to verify residence
104279456	MILLER	KYLE	11.1 BOAR HAMMOCK	insufficient address to verify residence
104279459	McCall	Luther	0 5th St	insufficient address to verify residence
104279460	McClenthian	Robert	0 Pine Ave	insufficient address to verify residence
104279573	Bearington	Lula M	2550 Fernwood	voter claims homestead in Suwannee County
104279646	CREASE	Patricia	5.1 MUSE	insufficient address to verify residence
104279649	CROSS	Barbara	5.1 COUNTY RD	insufficient address to verify residence
104279654	CUSSINS	Richard	5.1 SEMINOLE AVE	insufficient address to verify residence
104279723	Gramatica	Laura	5.1 Pollywog Crossover	insufficient address to verify residence
104279724	Gramatica	William	5.1 Pollywog Crossover	insufficient address to verify residence
104279746	HICKS	William	5.1 MUSE	insufficient address to verify residence
104279751	HOOD	Kristina	5.1 PINE AVE-MUSE	insufficient address to verify residence
104279825	Mariotti	Joseph M III	4280 Pollywog Dr	property sold to Kalapnauth and voter moved to 306 Travis Pless Rd Alto GA 30510-3604
104279826	Mariotti	Tammy	4280 Pollywog Dr	property sold to Kalapnauth and voter moved to 306 Travis Pless Rd Alto GA 30510-3604

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104279903	Roaten	Mary	5.1 Crescent Ave	invalid address, street number not found, voter resides and claims homestead in Suwannee C
104279937	SMITH	Julia	5.1 MUSE	insufficient address to verify residence
104279941	SODREL	Linda	3495 S CR 731	property sold, voter moved to Ga
104279943	SODREL	Robert	3495 S CR 731	property sold, voter moved to Ga
104279963	TOWNSEND	Mary	5.1 JACKS BRANCH RD	insufficient address to verify residence
104280035	Brown	Ellowlyn	216 10 St & Pinehurst	property sold to Peterson, voter moved, USPS noticed Unable To Forward
104280072	CUNNINGHAM	BOBBY	6.1 AVE A	insufficient address to verify residence
104280073	Cunningham	Victoria	6.1 10th St	insufficient address to verify residence
104280074	Cunningham	Tony	499 Railroad Ave	invalid address, street number not found
104280078	Daniels	Mary	6.1 Fishermans Village	insufficient address to verify residence
104280081	DAVIS	SEKENNIA	6.1 CACTUS AVE	insufficient address to verify residence
104280104	Ford	Sheila	6.1 10th St	insufficient address to verify residence
104280128	HEYOB	AUGUST	6.1 FISHERMANS VILLAGE 12E	insufficient address to verify residence
104280142	JOHNSON	ELIZABETH	6.1 CACTUS AVE	insufficient address to verify residence
104280144	Johnson	Irene	6.1 8th St	insufficient address to verify residence
104280157	Keene	Gladys	6.1 Palm Ave	insufficient address to verify residence
104280167	LEWIS	LATARSHA	6.1 AVE B	insufficient address to verify residence
104280213	OLDHAM	BERNICE	6.1 FISHERMANS VILLAGE	insufficient address to verify residence
104280215	OWENS	JUANITA	6.1 AVE H	insufficient address to verify residence
104280232	Harvey	Elizabeth	6.1 Ave A	insufficient address to verify residence
104280284	Sierra	Pilar	6.1 6th St NW	insufficient address to verify residence
104280295	SPIRES	JACKIE	6.1 FISHERMANS VILLAGE	insufficient address to verify residence
104280322	Wentela	William	442 Avenue E	property sold to Chavez, voter moved to 721 Bogle Ct Kissimmee FL 34759-4102
104280330	WILLIAMS	ANDREA	6.1 8TH ST	insufficient address to verify residence
104280330	Williams	Andrea	6.1 8th St	invalid address, street number not found
104280363	Ball	Bruce	9910 Ted Beck Rd	property sold to David/Deborah Beck, voter moved
104280475	EILAND	ROBERT	10355 HUDSON LN	property sold to Gorie, voter moved
104280484	FORD	ALLEN	2725 MISSY B WAY	property sold to Gauthier, voter moved
104280489	Fraser	Anna	10635 Donna Dr	property sold to Ware, voter moved to RR4 Box 111 Keyser, WV 26726-9407
104280490	Fraser	John	10635 Donna Dr	property sold to Ware, voter moved to RR4 Box 111 Keyser, WV 26726-9407
104280511	Green	Ralph	10265 Red Barn RD	property sold to J Green, voter resides 1210 Park Dr LaBelle
104280530	Harrison	Anous E	11709 Arvin Ln	voter lives in Lee County, residential phone 239.694.4308
104280532	HARTT	Edna V	11075 Echo Ave	no such number
104280536	Houston	Jennifer	67 Miller Dr	invalid address, street number not found
104280540	Huntington	Sam	10465 Clark Ln	voter deceased
104280560	Kellogg	Kristina	520 Alligator Rd	property sold to Holaway and voter moved
104280586	LUNDBLOOM	NENA	7.1 LAKEPORT	insufficient address to verify residence
104280589	MARTIN	DON	7.1 LAKEPORT	insufficient address to verify residence
104280592	MIKELL	LEONARD	10500 BLUE HERON LN	property sold to Elmore and voter moved
104280603	MYERS	DAVID	105 MILLER DR	property sold to Zielicke and voter moved
104280604	MYERS	DOROTHY	105 MILLER DR	property sold to Zielicke and voter moved
104280615	MCVEY	Judith	11055 Echo Ave	voter lives in Coalton, WV
104280639	Pease	Maryanne	11085 Okura St	property sold to Knisley, voter moved
104280644	PHILLIPS	CHARLOTTE	544 FOXTROT AVE	property sold to L Cook and voter moved
104280645	PHILLIPS	DARRELL	544 FOXTROT AVE	property sold to L Cook and voter moved
104280674	RISER	BARBARA	11258 MARTIN BLVD	property sold to L Clark and voter moved
104280675	Rister	David	1060 Red Barn Rd	property sold to Gigliotti and voter moved

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104280677	Rister	Nancy	1060 Red Barn Rd	property sold to Gigliotti and voter moved
104280698	Sherfick	Mary	10845 Glover Ln	property sold to Moller, voter moved,
104280699	Sherfick	Ralph	10845 Glover Ln	property sold to Moller, voter moved,
104280720	SOUCEK	DEBRA	41 MILLER DR	property sold to Honnerlaw and voter moved
104280721	SOUCEK	FRANK	41 MILLER DR	property sold to Honnerlaw and voter moved
104280743	TAYLOR	LINDA	7.1 CR 721 LOOP RD	insufficient address to verify residence
104280749	Throop	Terry	11143 Peaceful Ln	property sold to Gorday, voter moved
104280754	TOMMIE	NOREEN	10.1 INDIAN RES	insufficient address to verify residence
104280755	TOMMIE	WILLIE	10.1 CR 721 BRIGHTON	insufficient address to verify residence
104280760	TUCKER	ROBERT	7.1 LAKEPORT	insufficient address to verify residence
104280797	WINGFIELD	PATRICIA	11445 CLICK DR	property sold to Holaway and voter moved
104280798	WINGFIELD	WALTER	11445 CLICK DR	property sold to Holaway and voter moved
104280869	Bowling	David	8.2 Linda Rd	insufficient address to verify residence
104280880	Bumfield	Lori	8.2 Chobee ST	insufficient address to verify residence
104280909	Carroll	Donald	8.2 Chobee St	insufficient address to verify residence
104280910	CARROLL	PATRICIA	8.2 CHOBEE ST	insufficient address to verify residence
104280941	Croncich	Cindy	989 RR 6	voter moved to 17223 FM362 Novasola, TX 77868-6726
104280942	Croncich	Harold	989 RR 6	voter moved to 17223 FM362 Novasola, TX 77868-6726
104281030	Fuller	Imogene	8.2 3rd St	insufficient address to verify residence
104281078	Harris	Steven	15 Jordan Lp Bhr	property sold to Robert Skeens, voter moved to Okeechobee Co
104281155	Kinsey	Betty	25 8th St BHR	property sold to James and voter moved
104281215	MOREHEAD	STACEY	8.2 JORDAN LP BHR	insufficient address to verify residence
104281219	MORGAN	VIRGIL	8.2 LAKE DR	insufficient address to verify residence
104281226	MURPHY	REBEKAH	8.2 CASEY LN	insufficient address to verify residence
104281227	MURPHY	EUGENE	8.2 CASEY LN	insufficient address to verify residence
104281323	Richardson	Rebecca	109 20th St BHR	property sold to Vitone, voter moved to 321 Scoles Rd Gunterville AL 35975-5299
104281360	SEXTON	Alice L	ALICE	property repossessed by Inter Savings Bank FSB sold to Ridenour
104281400	Sunderlin	Eleanor	8 Rosebud	sold to Vaughan, voter moved
104281409	Taylor	Dolores	100 20th St BHR	property sold to Owen, voter moved to 240 Darden Dr. Lacey's Spring AL 35754-7217
104281439	TROENDLE	TINA	8.2 8TH ST	insufficient address to verify residence
104281522	BLACK	SHIRLEY	9.1 LEISURE LN	property sold to Graham, voter moved
104281523	Brown	David	0 78 HWY E	insufficient address to verify residence
104281524	Brown	Joanna	0 78 HWY E	insufficient address to verify residence
104281525	Bussell	David A	8040 Indian Mound Rd	voter claims homestead in Suwannee County
104281526	Bussell	Nancy K	8040 Indian Mound Rd	voter claims homestead in Suwannee County
104281527	CAISON	AGNES	9.1 SUNSET STRIP	insufficient address to verify residence
104281529	Caldwell	Richard	0 78 HWY E	insufficient address to verify residence
104281547	GRIDER	ROBERT	9.1 LANTERN LN	insufficient address to verify residence
104281565	Lowe	Laura	9.1 Twin Palms	insufficient address to verify residence
104281570	MOSCHIANO	JOSEPH	9.1 SUNSET STRIP	insufficient address to verify residence
104281572	MCAULAY	RACHEL	9.1 OAK RIDGE SUBDIVISION	insufficient address to verify residence
104281573	MCMILLAN	GLADYS	9.1 HWY 78 EAST	insufficient address to verify residence
104281578	PUGH	KATHI	11838 LEISURE LN	insufficient address to verify residence
104281579	PUGH	ROY	11838 LEISURE LN	property sold to Morgan and voter moved
104281595	Shiveler	Susan Thompson	11765 CR 721	property sold to Morgan and voter moved
104281597	Smith	Ellen	9.1 HWY 78 WEST	voter resides at 11777 Six Ls Farm Rd Naples FL
104281598	Snyder	Hazel	874 RR 6	insufficient address to verify residence
				property owned by Staton, voter moved to 5865 Dorothy Dr North Olmstead OH 44070-4272

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104281668	JOHNS	CAROLYN	7.1 CR 721 LOOP RD	Insufficient address to verify residence
104281693	PIZ	JOYCE	10.1 CR 721 BRIGHTON	Insufficient address to verify residence
104281697	MADRIGAL	JOHN	10.1 SR 721	Insufficient address to verify residence
104281762	ARNOLD	BILLY	11.2 SADDLE LN	Insufficient address to verify residence
104281838	HENDERSON	GAIL	11.2 RODEO RD	Insufficient address to verify residence
104281839	HENDERSON	DARRELL	11.2 RODEO RD	Insufficient address to verify residence
104281844	HOUGH	CHARLIE	11.2 PONY PL	Insufficient address to verify residence
104281862	Kmieciak	Julie	11.2 Oak St	Invalid address, street number not found
104281863	Kmieciak	Ted	11.2 Oak St	Invalid address, street number not found
104281865	KOTZ	PATRICIA	11.2 PONY PL	Insufficient address to verify residence
104281869	Lee	Alicia	11.2 Western DR	Insufficient address to verify residence
104281877	LONGORIA	WILLIE	11.3 BOWDEN SUBDIVISION	Insufficient address to verify residence
104281909	PETTI	SHARON	11.2 BRONSON RD	Insufficient address to verify residence
104281910	PETTI	STEPHEN	11.2 BRONSON RD	Insufficient address to verify residence
104281915	RIDGDILL	MICHELLE	11.2 WEST AVE	Insufficient address to verify residence
104281916	RIDGDILL	THOMAS	11.2 WEST AVE	Insufficient address to verify residence
104281917	ROBERTS	EDDIE	11.2 ROBERTS	Insufficient address to verify residence
104281918	ROBERTS	ERNEST	11.2 ROBERTS	Insufficient address to verify residence
104281919	RODRIGUEZ	FRANCISCO	11.2 US 27 N	Insufficient address to verify residence
104281920	ROGERS	JAMES	11.2 US 27 N	Insufficient address to verify residence
104281939	SWIATECKI	EMILIAN	11.1 N US HWY 27	Insufficient address to verify residence
104281941	Tallant	Virginia	11.2 Wagon Trail RD	Insufficient address to verify residence
104281942	Tallant	Willie	11.2 Wagon Trail RD	Insufficient address to verify residence
104281948	Thomas	Kathryn	11.2 US 27 N	Insufficient address to verify residence
104281969	ASH	JOYCE	12.1 LATUM BELL ST	Insufficient address to verify residence
104281984	CARTER	GETA	12.1 GREEN ST	Insufficient address to verify residence
104281996	MCPHERSON DAVIDSON	CHERYL	12.1 LATUM BELL ST	Insufficient address to verify residence
104282000	DAVIS	JUANITA	12.1 GREEN ST	Insufficient address to verify residence
104282015	FUDGE	ROBERT	12.1 PIERCE ST	Insufficient address to verify residence
104282020	GADSON	SHAMEKA	6.1 AVE F	Insufficient address to verify residence
104282022	GOODWIN	JESSE	12.1 THOMAS ST	Insufficient address to verify residence
104282049	HOLLEY	KIMBERLY	12.1 LATUM BELL ST	Insufficient address to verify residence
104282050	HORACE	ARLEATHA	6.1 AVE F	Insufficient address to verify residence
104282056	HURT	YVETTE	12.1 GREEN ST	Insufficient address to verify residence
104282070	MYERS	MARY	12.1 PIERCE ST	Insufficient address to verify residence
104282073	MCPHERSON	FREDDIE	12.1 PIERCE ST	Insufficient address to verify residence
104282076	MCPHERSON	STACY	12.1 PIERCE ST	Insufficient address to verify residence
104282077	MCPHERSON	TRACY	12.1 GAMBLE ST	Insufficient address to verify residence
104282078	MCPHERSON	WILLIE	12.1 PIERCE ST	Insufficient address to verify residence
104282087	PERKINS	IRIS	12.1 PIERCE ST	Insufficient address to verify residence
104282091	PERKINS	RALPH	12.1 WILSON ST	Insufficient address to verify residence
104282097	RUSH	ORA	6.1 CACTUS AVE	Insufficient address to verify residence
104282102	THOMAS	ROSE	6.1 ELMWOOD AVE	Insufficient address to verify residence
104282103	THOMAS	VINCENT CORNELL	12.1 WILSON ST	Insufficient address to verify residence
104282105	THORPE	DENNIS	12.1 WILSON ST	Insufficient address to verify residence
104282111	WARD	MITCHINSON	12.1 THOMAS ST	Insufficient address to verify residence
104282117	WILCOX	MARY	12.1 PIERCE ST	Insufficient address to verify residence

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104282186	Goode	Daniel	62730 Frontier Cir	property sold to S Willis and voter moved
104282187	Goode	Linda	62730 Frontier Cir	property sold to S Willis and voter moved
104282208	ISENBERG	BARBARA	8095 CALOOSAHATCHEE DR	property sold to Silberman and voter moved
104282209	ISENBERG	ROBERT	8095 CALOOSAHATCHEE DR	property sold to Silberman and voter moved
104282244	Perry	M Catherine	13.2 Oxbow Dr	insufficient address to verify residence
104282296	WHITT	KAREN	15620 WINCHESTER AVE	property sold to Kress, voter moved
104282298	WOODALL	SANDRA	8120 CALOOSAHATCHEE DR	property sold to Pella, voter moved
104282308	Hutchinson	Jean	100 Oxbow Dr	property sold to Knotek and voter moved
104282309	Hutchinson	David	100 Oxbow Dr	property sold to Knotek and voter moved
104282321	MCPHERSON	CLARA	12.1 PIERCE ST	insufficient address to verify residence
104282322	MCPHERSON	WILFORD	6.1 AVE F	insufficient address to verify residence
104282335	Pearce	Tami	1.1 Pearce Rhymes RD	insufficient address to verify residence
104282351	RHYMES	BONNY	1.1 S US 27	insufficient address to verify residence
104282352	RHYMES	JOSHUA	1.1 S US 27	insufficient address to verify residence
104282353	RHYMES	TIMOTHY	1.1 S US 27	insufficient address to verify residence
104282359	SCHRAMM	MARION	1.1 SEALEY RD	insufficient address to verify residence
104282380	STAPLETON	LINDA	1.1 RIVER RD	insufficient address to verify residence
104282419	ZEIGLER	MARY	6.1 AVE F	insufficient address to verify residence
104282424	GOODWIN	Jennifer	570 E PARK AVE	voter moved to and claims homestead in Highlands Co
104282452	HOLBROOK	ETTA	1.1 RIVER RD	insufficient address to verify residence
104282454	HOLMAN	JEREMY	1.1 RIVER RD	insufficient address to verify residence
104282460	ISAACS	PATRICIA	1.1 SEALEY RD	insufficient address to verify residence
104282471	KRAWCHUK	BOHDAN	1.1 RIVER RD	insufficient address to verify residence
104282472	KRAWCHUK	KATHLEEN	1.1 RIVER RD	insufficient address to verify residence
104282476	LANGDALE	BARBARA	1.1 LANGDALE RD	insufficient address to verify residence
104282477	LANGDALE	CAROLYN	1.1 LANGDALE RD	insufficient address to verify residence
104282480	Langdale	Frankie	1.1 Langdale Rd	insufficient address to verify residence
104282481	LANGDALE	JAMES	1.1 LANGDALE RD	insufficient address to verify residence
104282482	Langdale	John	1.1 Langdale RD	insufficient address to verify residence
104282484	LANGDALE	JOHN	1.1 LANGDALE RD	insufficient address to verify residence
104282485	LANGDALE	JYLES	1.1 LANGDALE RD	insufficient address to verify residence
104282487	LANGDALE	ROBERT	1.1 LANGDALE RD	insufficient address to verify residence
104282519	Rider	James	11925 Teal Harbor	property sold to McIntoch and voter moved
104282520	Rider	Lois	11925 Teal Harbor	property sold to McIntoch and voter moved
104282541	HUFF	LISA	10.1 SR 721 INDIAN RES	insufficient address to verify residence
104282566	SOY	ESTEBAN	11.1 N US HWY 27	insufficient address to verify residence
104282574	FORD	Lilla M	401 SEALEY RD	property sold, voter moved to Ray City GA Phone 229-455-4635,
104282575	GOODWIN	Christopher	570 E PARK AVE	voter moved to and claims homestead in Highlands Co
104282585	Toms	Ashley	9.1 HWY 78	insufficient address to verify residence
104282595	JUMPER	AVALON	10.1 INDIAN RES	insufficient address to verify residence
104282597	Kitchens	Dalton	1.1 S US 27	insufficient address to verify residence
104282602	Rodgers	Wallace	100 Oxbow Dr	property sold to Kelly-Zaehler, voter moved
104282624	HOUGH	KYLE	11.2 PONY PL	insufficient address to verify residence
104282658	Kurey	Lela	8.2 Bhr	insufficient address to verify residence
104282680	JUDAY	JOHN	450 CR 721 LOOP RD	property sold to Meeks, voter moved
104282681	JUDAY	ROLANDA	450 CR 721 LOOP RD	property sold to Meeks, voter moved
104282718	HASTY	ANNETTA	8.2 TROUT ST	insufficient address to verify residence

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104282729	Reese	John	15 5th St BHR	property sold to Wagner, voter moved to 3510 SE 33rd Terr Okeechobee FL 34974-6020
104282741	Rietmaier	Pamela	11873 HWY 78	property sold to Triton VI and voter moved
104282755	HARRIS	STEVEN	1.1 SEALEY RD	insufficient address to verify residence
104282762	CARRILLO	XAVIER	5.1 SPANISH TRAIL	insufficient address to verify residence
104282774	Cockram	Paula	16030 E Benbow CIR	property sold to Manzano and voter moved
104282828	Sprott	Betty	2 Bass St BHR	property sold to Crismond, voter moved to 7061 Cedar Tr. Paint Township, OH 45133
104282869	BRACKEN	KENNETH	12725 WILLIAMS RD	property sold, voter moved
104282876	WHITEHEAD	Bruce	5.1 MUSE	no such number, voter resides at 463 Clark St LaBelle
104282939	Castile	Claude	9.1 Glen Hunters Rv PARK	insufficient address to verify residence
104282945	Baker	Charlene	10.1 Indian Res	insufficient address to verify residence
104282948	BARNES	THOMAS	11.2 PINE AVE	insufficient address to verify residence
104282952	High	Beverly	13.2 Oxbow Dr	insufficient address to verify residence
104282958	LAMKIN	CHANCE	4640 DUBLIN CIR	property repossessed by Big Lake National Bank and voter moved
104283000	Gregg	Maurice	10400 Lowry Ln	Property sold to C Eby Gutjahr, voter moved
104283034	BROWN	FRANK	1.1 CLICK FARM RD	insufficient address to verify residence
104283038	JACQUELIN	ARTHUR	8200 CALOOSAHATCHEE DR	property sold to Peila and voter moved
104283050	SAVAILI	LYNDA	11.2 ROBERTS	insufficient address to verify residence
104283111	DUNIVENT	SANDRA	1008 Sunset DR	no such street number, no valid phone number
104283148	JACQUELIN	GAIL	8200 CALOOSAHATCHEE DR	property sold to Peila and voter moved
104283188	CHAVEZ	JOSE	5.1 SPANISH TRAIL	insufficient address to verify residence
104283208	GARCIA	JOSHUA	10.1 CR 721 BRIGHTON	insufficient address to verify residence
104283210	MILLER	JAMES	8.2 LAKE DR	insufficient address to verify residence
104283211	MILLER	ROBERTA	8.2 LAKE DR	insufficient address to verify residence
104283212	THOMAS	RYAN	10.1 SR 721	insufficient address to verify residence
104283214	RYMES	CHELSEY	1.1 S US 27	insufficient address to verify residence
104283238	HERNANDEZ	BESSIE	1.1 SEALEY RD	insufficient address to verify residence
104283257	FARMER	JAMES	10.1 SR 721	insufficient address to verify residence
104283258	BENNETT	LACY	10.1 SR 721 INDIAN RES	insufficient address to verify residence
104283285	LAYTON	Alma	319 BOTTLE BRUSH AVE-MAPLE C	voter is deceased
104283310	Huff	Allen	10.1 SR 721	insufficient address to verify residence
104283319	WHITT	DANNY	15620 WINCHESTER AVE	property sold to Kress, voter moved
104283321	Vaughan	Sharon	1645 Riverside	property owned by Mackay, voter moved
104283322	Vaughan	Rudy	1645 Riverside	property owned by Mackay, voter moved
104283341	CLAY	BRANDE	10.1 SR 721	insufficient address to verify residence
104283374	MCKINNEY	DEBORAH	9.1 HWY 78	insufficient address to verify residence
104283375	MCKINNEY	TERRY	9.1 HWY 78	insufficient address to verify residence
104283383	Lee	Jesse	9690 Jerdick Dr	voter resides at 337 W Pasadena Clewiston 863-902-0216
104283385	OSCEOLA	NICKI	10.1 INDIAN RES	insufficient address to verify residence
104283388	SILVESTRI	VIRGINIA	4674 DUBLIN CIR	property sold to Boyd, voter moved
104283412	Brown	Velma	6.1 10th St	insufficient address to verify residence
104283420	LEWIS	Kristi Lynn	415 Oak Ave	property sold to Carlos and voter moved to Brazil Circle Port LaBelle
104283483	Kellogg	Troy	520 Alligator Rd	property sold to Holaway and voter moved
104283512	Ventura	Joseph	1.1 River RD	insufficient address to verify residence
104283514	Jimmie	Howard	10.1 Indian Res	insufficient address to verify residence
104283541	SMITH	SHAWN	2.1 WILLIAMS RD	insufficient address to verify residence
104283571	SILVESTRI	GUY	4674 DUBLIN CIR	property sold to Boyd, voter moved
104283573	RAMSEY	TERRY	8.2 CHOBEE LP BHR	insufficient address to verify residence

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104283600	Deberry	Henry	1008 Sunset DR	no such street number, no valid phone number
104283643	Harris	Karen	15 Jordan Lp Bhr	property sold to Robert Skeens, voter moved to Okeechobee Co
104283647	JIMMIE	SAMANTHA	10.1 INDIAN RES	insufficient address to verify residence
104283662	Woodall	Christopher R	1380 River Rd	property owned by Martinez, voter moved to 4969 Lake Kotsa Dr Lake Wales 33090
104283694	Donald	James	18501 Aspen Blvd	property sold to Nees, voter moved
104283724	Godzicki	Joanne	757 Ave H Apt C	invalid address, street number not found; USPS Unable to Forward
104283786	GRIFFITH	MATTHEW	2.1 WILLIAMS RD	insufficient address to verify residence
104283801	HICKMAN	HAZEL	1.1 POLLARD RD	insufficient address to verify residence
104283809	Woolley	Crystal	9 Acces Rd BHR	property owned by Lane, voter moved
104283816	CRONCICH	JOHN	8.1 HWY 78 WEST	insufficient address to verify residence
104283836	PIERSON	MARY	11275 CLICK DR	property sold to Poston and voter moved
104283837	PIERSON	LEO	11275 CLICK DR	property sold to Poston and voter moved
104283857	NOE	ROLLENE	11314 CLICK DR	property sold to Holaway and voter moved
104283861	Flanagan	Richard	2.1 Anchor Ln	insufficient address to verify residence
104283862	BERT	PERNELL	10.1 SR 721	insufficient address to verify residence
104283876	WILLIS	TODD	10.1 INDIAN RES	insufficient address to verify residence
104284019	RHYMES	BRITTANY	1.1 PEARCE RHYMES RD	insufficient address to verify residence
104284043	REYNOLDS	Robert R	15 RR 1	insufficient address to verify residence
104284055	Donaldson	Betty	100 Oxbow Dr	property sold to P Sullivan, voter moved
104284056	Donaldson	Donald	100 Oxbow Dr	property sold to P Sullivan, voter moved
104284057	Alexander	Mary	4675 Palomino Dr	property sold to L. G. Ravelo and voter moved
104284058	Alexander	Billy	4675 Palomino Dr	property sold to L. G. Ravelo and voter moved
104284073	Krisley	Patrick	11085 Okura St	property sold to Phillips and voter moved
104284104	KNISLEY	RUTH	11085 OKURA ST	property sold to Phillips and voter moved
104284133	RIVERO	GERVASIO	8800 SR 80	property sold to Red-Head Dreams Holding, voter moved
104284144	Sheffield	Joshua	11445 Click Dr	invalid address, street number not found
104284144	Sheffield	Joshua	1306 11th Ave	Not deliverable, unable to fwd from Kearney NE USPS
104284192	CLIFTON	BERTHA	8.2 CASEY LN	insufficient address to verify residence
104284216	Oakes	Patrick	67 Miller Dr	invalid address, street number not found
104284219	DAVIS	Charles E	12375 ANCHOR LN	property sold to River Forest Yachting, voter moved
104284230	Pillard	Veronica	11143 Peaceful Ln	property sold to Liles, voter moved
104284238	Green	Darcy V	3146 N Jog Rd	voter resides in Palm Beach County, formerly of Hendry County
104284257	Adkins	Amanda	0 78 HWY E	insufficient address to verify residence
104284278	NAVARRO	RAMON	11.1 BOAR HAMMOCK	insufficient address to verify residence
104284280	SWART	MAE	8.1 SR 78B BHR	insufficient address to verify residence
104284293	HUFF	Amanda	2000 Mayford Lk Rd	duplicate of voter 104284952
104284304	SPITCHLEY	TAMMY	9.1 LANTERN LN	insufficient address to verify residence
104284309	BROCKMAN	JOHN	4382 INDIAN HILLS DR	voter deceased
104284332	Marlinez	Jean	0 Easy St	insufficient address to verify residence
104284358	Childers	David	6 Canal Way BHR	property owned by T Hall, voter moved to 17571 NW 30th Ave Okeechobee FL 34972-4706
104284366	MORENO	OLGA	6.1 FLORIDA AVE	insufficient address to verify residence
104284439	QUAIF	ANITA	4646 ANVIL WAY	property repossessed by Big Lake National Bank and voter moved
104284470	MOSCHIANO	PATRICIA	9.1 SUNSET STRIP	insufficient address to verify residence
104284491	BRACKEN	CHRISTINE	12725 WILLIAMS RD	property sold, voter moved
104284492	BROCKMAN	YVONNE	4382 INDIAN HILLS DR	voter moved to 304 Bridge Crossing, Yorktown, VA 23692
104284502	Madrigal	Howard	579 RR 6	voter claims homestead in Okeechobee County
104284523	Cunningham	William	6.1 10th St	insufficient address to verify residence

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104284539	OLSON	DAVID	9.1 DUCK LN	insufficient address to verify residence
104284560	WAGNER	RICHARD	6.1 CR 720	insufficient address to verify residence
104284587	Lemley	Darlyn	129 Palm Ave	property owned by Church of God and voter moved to Plymouth FL 2005
104284594	Hendry	Samantha	9165 MAIN ST	voter resides at 848 Hill Rd Bethel Springs TN
104284630	Robinson	Stacy	756 Railroad Av	property owned by Tindall, voter moved to 920 Collins Ln Frankfort KY 40691
104284657	LEWIS	MARTI	10620 RED BARN RD	property sold to Wilson and voter moved
104284663	White-Rickaby	Rebecca	11874 Sabal Palm	property sold to Joy, voter moved to 28 Fairfax Dr Huntington WV 25705
104284677	ALFARO	MYRA	6.1 AVE F	insufficient address to verify residence
104284678	Hulburt	Gerald	815 Alligator Rd	property owned by Weavers, voter moved to 915 Foresteria Dr Lake Park FL 33403-3105
104284731	Pohl	Wallace	942 Roberson Dr	property sold to Brockway and voter moved
104284799	SOUCEK	SANFORD	41 MILLER DR	property sold to Homerlaw and voter moved
104284805	POHL	WALLACE	942 RR 6	property sold to Brockway and voter moved
104284816	MACE	PATRICIA	16511 ASPEN BLVD	property sold to Hansen and voter moved
104284817	MACE	SCOTT	16511 ASPEN BLVD	property sold to Hansen and voter moved
104284831	Brendel	Cathy	213 Elderberry Ave	property sold to Herrera, voter moved to 7395 US Hwy 90 Jeffersonville GA 31044-1924
104284849	POSTON	MARK	11275 CLICK DR	property sold to Jinkins and voter moved
104284856	POSTON	REBECCA	11275 CLICK DR	property sold, voter moved
104284866	BRACKEN	MELISSA	12725 WILLIAMS RD	insufficient address to verify residence
104284886	WEEKS	DORINDA	11.1 US 27 N RAMEY TR	insufficient address to verify residence
104284887	SIMMONS	ZENA	10.1 SR 721	insufficient address to verify residence
104284915	BAKER	PRESTON	10.1 CR 721 BRIGHTON	insufficient address to verify residence
104284922	STEWART	JOHN	11.2 US 27 N	insufficient address to verify residence
104284929	Whorl	Stephen	13875 Broadway	voter resides at 20976 Nattingly Rd Abell, Md 20606 PH 301.769.2319
104284938	Huff	Nathaniel	2040 Fernwood	property sold to Berg and voter moved to 3523 Blue Springs Rd Straw Plains TN 37871-3824
104284944	QUAIF	GERALD	4646 ANVIL WAY	property repossessed by Big Lake National Bank and voter moved
104284952	ZARRELLA	Amanda	20 Friendship Ln	duplicate of voter 104284293
104284959	Whorl	Sherry	13875 Broadway	voter resides at 20976 Nattingly Rd Abell, Md 20606 PH 301.769.2319
104284987	Lonnon	Marthalee	7 Marina Dr	property sold to Ellis and voter moved
104284988	Lonnon	William	7 Marina Dr	property sold to Ellis and voter moved
104285002	OSCEOLA	TONY	10.1 CR 721 INDIAN RESEVATION	insufficient address to verify residence
104285031	POGOZELSKI	JOHN	6.1 AVE A	insufficient address to verify residence
104326988	Dawson	Melvin	1008 Sunset DR	no such street number, no valid phone number
104344454	Dawson	Faye	1008 Sunset DR	no such street number, no valid phone number
107281410	Taylor	John	100 20th St BHR	property sold to Owari, voter moved to 240 Darden Dr Lacey's Spring AL 35754-7217
114063577	Osceola	Lysandra	10.1 SR 721	insufficient address to verify residence
114312348	Flores	Bernadette	16721 Monday St	property repossessed by US Bank, voter moved
114478936	Garrett	David	12 Bass St BHR	property sold to Stiglitz, voter moved USPS noticed Unable to Forward
114534344	Thompson	Joseph M III	11765 CR 721	voter resides at 11777 Six Ls Farm Rd Naples FL
114555842	Jones	Happy	10.1 Indian Res	insufficient address to verify residence
114613330	Hendry	Brooke	9345 Main St	voter resides at 848 Hill Rd Bethel Springs TN
114841217	Klonjorski	Gerald	2095 Old Lakeport Rd	duplicate of 114815090
114864619	Mercene	Joseph	1290 Comance Tr	voter resides at 2951 NE 1st Ave Pompano Beach FL phone (954) 946-1556
114915090	Kinjorski	Gerald	2095 Old Lakeport Rd	duplicate of 114841217
114918060	Doerr	Vince	3735 Fernwood	voter lives at 4731 Bill Cheek Rd Auburn GA
115255634	Cockram	Richard	16030 E Benbow CIR	property sold to Manzano and voter moved
115756128	Harloff	Jennifer	2520 Ortona RD	duplicate of voter 115756162
115756162	Harloff	Jennifer	2520 Ortona RD	duplicate of voter 115756128

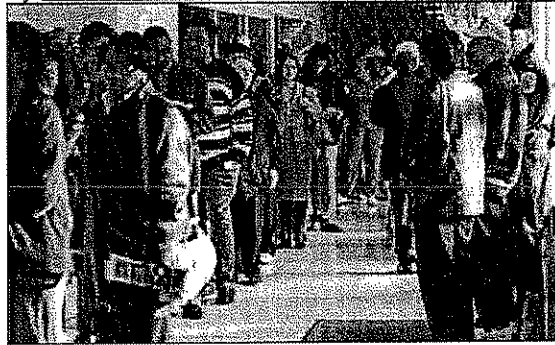
Exhibit 16

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By Eartha Jane Melzer 9/10/08 6:42 AM



Michigan Republicans plan to foreclose African-American voters. The chairman of the Republican Party in Macomb County, Michigan, a key swing county in a key swing state, is planning to use a list of foreclosed homes to block people from voting in the upcoming election as part of the state GOP's effort to challenge some voters on Election Day.

"We will have a list of foreclosed homes and will make sure people aren't voting from those addresses," party chairman James Carabelli told Michigan Messenger in a telephone interview earlier this week. He said the local party wanted to make sure that proper electoral procedures were followed.

State election rules allow parties to assign "election challengers" to polls to monitor the election. In addition to observing the poll workers,

these volunteers can challenge the eligibility of any voter provided they "have a good reason to believe" that the person is not eligible to vote. One allowable reason is that the person is not a "true resident of the city or township."

The Michigan Republicans' planned use of foreclosure lists is apparently an attempt to challenge ineligible voters as not being "true residents."

One expert questioned the legality of the tactic.

"You can't challenge people without a factual basis for doing so," said J. Gerald Hebert, a former voting rights litigator for the U.S. Justice Department who now runs the Campaign Legal Center, a Washington D.C.-based public-interest law firm.

"I don't think a foreclosure notice is sufficient basis for a challenge, because people often remain in their homes after foreclosure begins and sometimes are able to negotiate and refinance."

As for the practice of challenging the right to vote of foreclosed property owners, Hebert called it, "mean-spirited."

GOP ties to state's largest foreclosure law firm

The Macomb GOP's plans are another indication of how John McCain's campaign stands to benefit from the burgeoning number of foreclosures in the state. McCain's regional headquarters are housed in the office building of foreclosure specialists Trott & Trott. The firm's founder, David A. Trott, has raised between \$100,000 and \$250,000 for the Republican nominee.

The Macomb County party's plans to challenge voters who have defaulted on their house payments is likely to disproportionately affect African-Americans who are overwhelmingly Democratic voters. More than 60 percent of all sub-prime loans — the most likely kind of loan to go into default — were made to African-Americans in Michigan, according to a report issued last year by the state's Department of Labor and Economic Growth.

Challenges to would-be voters

Statewide, the Republican Party is gearing up for a comprehensive voter challenge campaign, according to Denise Graves, party chair for Republicans in Genesee County, which encompasses Flint. The party is creating a spreadsheet of election challenger volunteers and expects to coordinate a training with the regional McCain campaign, Graves said in an interview with Michigan Messenger.

Whether the Republicans will challenge voters with foreclosed homes elsewhere in the state is not known.

Kelly Harrigan, deputy director of the GOP's voter programs, confirmed that she is coordinating the group's "election integrity" program. Harrigan said the effort includes putting in place a legal team, as well as training election challengers. She said the challenges to voters were procedural rather than personal. She referred inquiries about the vote challenge program to communications director Bill Nowling, who promised information but did not return calls.

Party chairman Carabelli said that the Republican Party is training election challengers to "make sure that [voters] are who they say who they are."

When asked for further details on how Republicans are compiling challenge lists, he said, "I would rather not tell you all the things we are doing."

Vote suppression: Not an isolated effort

The issue of voter challenges is arising around the country. In Ohio, the Columbus Dispatch, in an July 6 article titled "Foreclosed-on voters using old addresses could snag election," reported that Doug Preisse, a member of the board of elections in Franklin County and the chair of the local GOP, said he has not ruled out challenging voters before the election. Hebert, the voting-rights lawyer, sees a pattern.

"At a minimum what you are seeing is a fairly comprehensive effort by the Republican Party, a systematic broad-based effort to put up obstacles for people to vote," he said. "Nobody is contending that these people are not legally registered to vote."

"When you are comprehensively challenging people to vote," Hebert went on, "your goals are two-fold: One is you are trying to knock people out from casting ballots; the other is to create a slowdown that will discourage others," who see a long line and realize they can't afford to stay and wait.

Challenging all voters registered to foreclosed homes could disrupt some polling places, especially in the Detroit metropolitan area. According to the real estate Web site RealtyTrac, one in every 176 households in Wayne County, metropolitan Detroit, received a foreclosure filing during the month of July. In Macomb County, the figure was one household in every 285, meaning that 1,834 homeowners received the bad news in just one month. The Macomb County foreclosure rate puts it in the top three percent of all U.S. counties in the number of distressed homeowners. Wayne, Oakland, Macomb, Kent and Genessee counties were — in that order — the counties with the most homeowners facing foreclosure, according to RealtyTrac. As of July, there were more than 62,000 foreclosure filings in the entire state. Joe Rozell, director of elections for Oakland County in suburban Detroit, acknowledged that challenges such as those described by Carabelli are allowed by law but said they have the potential to create long lines and disrupt the voting process. With 890,000 potential voters closely divided between Democratic and Republican, Oakland County is a key swing county of this swing state.

According to voter challenge directives handed down by Republican Secretary of State Terri Lynn Land, voter challenges need only be "based on information obtained through a reliable source or means."

"But poll workers are not allowed to ask the reason" for the challenges, Rozell said. In other words, Republican vote challengers are free to use foreclosure lists as a basis for disqualifying otherwise eligible voters.

David Lagstein, head organizer with the Michigan Association of Community Organizations for Reform Now (ACORN), described the plans of the Macomb GOP as "crazy."


"You would think they would think, 'This is going to look too heartless,'" said Lagstein, whose group has registered 200,000 new voters statewide this year and also runs a foreclosure avoidance program. "The Republican-led state Senate has not moved on the anti-predatory lending bill for over a year and yet [Republicans] have time to prey on those who have fallen victim to foreclosure to suppress the vote."

Correction: This article has been amended to reflect the fact that Doug Preisse informed Michigan Messenger that he did not "state or imply" that he had not ruled out challenges "due to foreclosure related address issues," as originally reported.

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Exhibit 17

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The Macomb County Republican Party chair who told Michigan Messenger earlier this week that Republicans planned to challenge voters at the polls using a list of foreclosed homes has changed his story.

James Carabelli now says the party has "no plans to do anything," according to a story in the [Macomb Daily](#).

Reports of the plan for foreclosure-based challenges have spurred outrage and the Association of Community Organizations for Reform Now ([ACORN](#)) planned a demonstration today at the Macomb County Republican headquarters. Eric Doster is former counsel for the Michigan Republican Party and a lawyer who plans to represent GOP election challengers on Election Day.

Doster returned a call Wednesday afternoon and in a 30-minute conversation told Michigan Messenger that while he is unfamiliar with plans to use foreclosure lists to challenge voters, he does expect party volunteers to challenge voters in other ways.

When asked whether Michigan Republicans plan to create a challenge list based on returned direct mail, a practice known as "[vote caging](#)," Doster replied, "I think so. I know this has been done in years past ... both parties may be doing this."

Doster said that the party's deputy political director, Kelly Harrigan, would have more information about the challenge lists. Harrigan did not respond to a call from Michigan Messenger.

"Voter caging" is controversial because it can be used to target certain groups of voters. Some say that a piece of returned mail should not be enough to challenge a person's claim of residency.

Last week Ohio Secretary of State Jennifer Brunner [acknowledged](#) that the use of mail for vote caging has disproportionately affected poor and minority communities and she instructed that returned mail should not be considered reasonable evidence that someone has moved.

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Exhibit 18

In Volusia County thousands are newly registered, but may be challenged at polls - The D...

West Volusia's community newspaper of DeLand, Orange City, Deltona, DeBary, Lake Helen, DeLeon Springs, Glenwood, Pierson, Cassadaga, Seville and Barber



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In Volusia County thousands are newly registered, but may be challenged at polls ☒ Send this to a friend

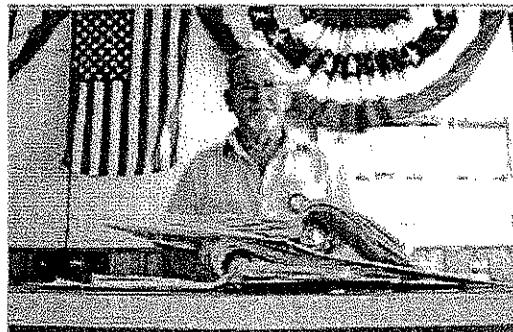
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BEACON STAFF WRITERS

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Volunteers have worked hard across Volusia County to sign up a tidal wave of new voters, but other forces are in play that could push back that surge.

On Oct. 7, Volusia County Elections Supervisor Ann McFall told a Chamber of Commerce group that 1,000 people had visited the Elections Office in Downtown DeLand the previous day, the deadline for registering to vote in the Nov. 4 election.



BEACON PHOTO/PAT HATFIELD

Checking the rolls — Co-President Dave Wilson of the Democratic Club of Northwest Volusia checks over the results of the club's registration drive. Wilson said, "We were very careful. We required the same ID the Elections Office requires — a driver's license, state ID card or student ID card." Signatures were compared for a match, as well. Wilson said there were more than 1,600 new registrations during the drive.

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Some of those people were volunteers turning in registrations they had collected.

"Between our headquarters and the Obama headquarters, we've had around 450 registrations in the DeLand area," Sylvia Perkins at Democratic Headquarters in DeLand said.

Shirley Patterson at DeLand's Republican Headquarters said around 20 people had come in to register Oct. 6. Two days earlier, GOP volunteers collected registrations in Downtown

DeLand.

"We did get quite a few registrations at the Chili Cookoff," Patterson said.

McFall said a team of 45 people was expected to work until 10 p.m. Tuesday night entering new voters in the statewide database. The Elections Office has 33 regular employees.

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As of Oct. 7, McFall said, between 5,000 and 6,000 new voters still needed to be entered before Oct. 17.

Since Jan. 1, the supervisor noted, 25,000 new voters have registered in Volusia County. They are "overwhelmingly" Democrats, she said.

While the surge of new voters is expected to help Democratic Sen. Barack Obama in his bid for the presidency, the Republican Party is mounting its own counter effort.

McFall told the Chamber group she expects the rights of anywhere from 1,000 to 10,000 voters to be challenged in this election.

Vote challenges — when a person or group calls into question the right of a particular voter to cast a ballot — are not new. However, challenges used to happen at the polls on Election Day, and in recent years there have been few of them.

"Since 2004, I've probably seen two challenges to votes," McFall said.

Thanks to a new law passed by the Florida Legislature, she explained, groups interested in challenging voters now may do so up to 30 days before an election.

Once a voter's right to cast a ballot is challenged, McFall's office must attempt to notify the voter, and must flag the voter's name in the statewide database.

If the problem can't be straightened out at the supervisor's office before Election Day, the challenged voter will be required to vote a provisional ballot, then visit the Elections Office within 48 hours after the election to disprove the allegations of the challenge.

"One party, that we know of, is going to challenge every voter that's being foreclosed on," McFall said.

People whose homes are in foreclosure may change their addresses and forget to update their voter registrations. Political parties send letters to these people with instructions to the post office not to forward the mail. If the letters are returned to the sender, a challenge is filed, claiming the voter doesn't live where he or she is registered to vote.

"With our economic crisis," McFall said, "it's going to cause these challenges."

Voting-rights activists call it "caging."

McFall, a Republican, said afterward the party known to be doing the foreclosure challenges is the Republican Party. A call to the head of the Volusia County Republican Party was not returned.

Such activities have sparked lawsuits elsewhere in the country.

Two newspapers reported the Obama campaign and the Democratic National Committee have filed a federal lawsuit in Michigan over the Michigan Republican Party's plan to use foreclosure lists to challenge voters at the poll.

McFall's challenger for re-election to the supervisor job, Susan Pynchon, also spoke at the DeLand Area Chamber of Commerce forum Oct. 7.

Pynchon said several factors are working against problem-free voting.

"I do have concerns about voter confusion, as well as this caging that's going on, then you add the exact-match law to that," Pynchon said. "There are all kinds of ways the

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political parties use to keep people from voting."

"Exact-match," or "voter verification," refer to a new law that affects voter-registration applications filed on or after Sept. 8, 2008.

The law is being implemented now, after a legal challenge and several modifications.

New voters must provide a Florida driver-license number, state identification-card number or the last four digits of their Social Security numbers.

The ID number is automatically cross-checked against the Florida driver-license database or the Social Security Administration database. If the number does not match, the Bureau of Voter Registration Services checks for typographical errors or a difference between a nickname on record and formal name on the voter registration, for example.

If the names still can't be matched, the applicant is instructed to mail in a photocopy of proper identification, or to show their identification in person at the Elections Office.

If proof is provided before the election, the voter becomes registered and is able to vote on a regular ballot. Otherwise, he or she may vote on a provisional ballot and has until 5 p.m. of the second day after the election to prove identity and have the ballot counted.

Voting activists say many new registrants who get notices about a problem with their application simply may not vote, or may run out of time to get to the Elections Office and solve the problem.

Pynchon questioned why the new law was put into effect now.

"The secretary of state could have put this law into effect in August," she told the Chamber group. "Now we are testing out this new law with this huge presidential election upon us."

McFall predicted voter registration, not vote-counting, will be the focus of legal challenges this year.

"The challenges in court are going to be voter registration," she said.

Voting-rights groups are advising voters to double-check the status of their registration before going to vote.

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